

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

MARTIN LOGMANN,)	
)	
Plaintiff)	
)	CAUSE NO. 3:04-CV-574 RM
v.)	
)	
LaPORTE COUNTY JAIL,)	
)	
Defendant)	

OPINION AND ORDER

Martin Logmann, a *pro se* prisoner, submitted a Fed. R. Civ. P. 60(b) motion to reconsider the dismissal of his complaint. On September 8, 2004, Mr. Logmann was granted to and including January 7, 2005 to amend his complaint after conducting discovery against the LaPorte County Sheriff for the purpose of identifying whom he believed violated his constitutional rights. Mr. Logmann did not avail himself of the opportunity to conduct discovery nor did he amend his complaint, so on January 21, the complaint was dismissed. A copy of that order was mailed to Mr. Logmann at the jail. Later, the jail notified the court that Mr. Logmann was released on February 2, 2005. Mr. Logmann now says he was unable to conduct discovery because the defendants insured that he was transferred several times. The chronology in the court's record does not support the allegation that transfers prevented Mr. Logmann from conducting discovery before this case was dismissed. Though these transfers may explain why it took Mr. Logmann nearly five months to respond to the order of dismissal, they do not show cause for re-opening this case, which was properly dismissed when he did

not amend his complaint to state a claim for which relief could be granted. Nevertheless, if Mr. Logmann has other claims against other defendants which were not raised in his prior complaint he is, of course, free to present them in a new complaint.

For the foregoing reasons, the court:

(1) **DENIES** the motion to reconsider; and

(2) **DIRECTS** the clerk to enclose a 42 U.S.C. §1983 Prisoner Complaint packet along with the copy of this order that is mailed to Martin Logmann.

SO ORDERED.

ENTERED: June 22, 2005

/s/ Robert L. Miller, Jr.
Chief Judge
United States District Court